

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CAPMARK FINANCIAL GROUP INC.; SUMMIT CREST VENTURES, LLC; CAPMARK CAPITAL LLC (f/k/a CAPMARK CAPITAL INC.); CAPMARK FINANCE LLC (f/k/a CAPMARK FINANCE INC.); COMMERCIAL EQUITY INVESTMENTS LLC (f/k/a COMMERCIAL EQUITY INVESTMENTS, INC.); MORTGAGE INVESTMENTS, LLC; NET LEASE ACQUISITION LLC; SJM CAP, LLC; CAPMARK AFFORDABLE EQUITY HOLDINGS LLC (f/k/a CAPMARK AFFORDABLE EQUITY HOLDINGS INC.); CAPMARK REO HOLDING LLC; and CAPMARK INVESTMENTS LP,

Plaintiffs,

V.

GOLDMAN SACHS CREDIT PARTNERS L.P.;
GOLDMAN SACHS CANADA CREDIT
PARTNERS CO.; GOLDMAN SACHS
MORTGAGE COMPANY; and GOLDMAN
SACHS LENDING PARTNERS LLC,

Defendants.

Case No. 11-CIV-7511 (RWS)

NOTICE OF THE GOLDMAN LENDERS' MOTION TO DISMISS THE COMPLAINT

PLEASE TAKE NOTICE that the undersigned, attorneys for Defendants Goldman Sachs Credit Partners L.P., Goldman Sachs Canada Credit Partners Co., Goldman Sachs Mortgage Company, and Goldman Sachs Lending Partners LLC (collectively, the “Goldman Lenders”), will move this Court before the Honorable Robert W. Sweet, United States District Judge for the Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time

to be determined by this Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint with prejudice. The grounds for this motion are set forth in the Memorandum of Law in Support of the Goldman Lenders' Motion to Dismiss the Complaint and accompanying Declaration of Benjamin S. Kaminetzky and exhibits thereto.

PLEASE TAKE FURTHER NOTICE that, pursuant to the agreement of the parties so ordered by this Court on March 27, 2012, any opposition papers in response to this motion shall be served upon the undersigned counsel on or before May 25, 2012, and any reply papers shall be served upon Plaintiffs' counsel on or before June 22, 2012.

Dated: New York, New York
April 20, 2012

Respectfully Submitted,

DAVIS POLK & WARDWELL LLP

By: /s/ Benjamin S. Kaminetzky

Benjamin S. Kaminetzky
Andrew D. Schlichter
Marc J. Tobak
450 Lexington Avenue
New York, New York 10017
Telephone: (212) 450-4000
Facsimile: (212) 701-5800
ben.kaminetzky@davispolk.com

*Attorneys for Defendants Goldman Sachs Credit
Partners L.P., Goldman Sachs Canada Credit
Partners Co., Goldman Sachs Mortgage
Company, and Goldman Sachs Lending Partners
LLC*